



The David J. Joseph Company

RECORDATION NO. 26208-A FILED

JUN 01 '07 -11 2 AM

SURFACE TRANSPORTATION BOARD

June 1, 2007

Vernon Williams  
Recordations Unit  
Surface Transportation Board  
395 E. Street, SW  
Washington, DC 20423-0001

Dear Vernon:

Please find attached, one original Complete Release dated May 31, 2007 between the following parties:

The David J. Joseph Company  
300 Pike Street  
Cincinnati, Ohio 45202

Cemex, Inc.  
840 Gessner, Suite 1400  
Houston, TX 77024

This filing is to appear in index as follows: Complete Release dated May 31, 2007, related to the thirty (30) railcars bearing reporting marks WRRRC 680401 – WRRRC 680469, sporadic.

Please file this agreement as a secondary document under Recordation Number 26208-A as it relates to documents previously filed with the Surface Transportation Board under Recordation Number 26208. The filing fee in the amount of \$35.00 can be charged to our account.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6082.

Sincerely,

Barbara A. Brzezicki  
Contract Manager

Rail Equipment Group

300 Pike Street  
Cincinnati, OH 45202-4214  
Phone (513) 419-6200  
Fax (513) 419-6221

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**COMPLETE RELEASE****SURFACE TRANSPORTATION BOARD**

This Release is entered into as of May 31, 2007 between The David J. Joseph Company, a Delaware corporation ("Joseph") and Cemex, Inc., a Delaware corporation ("Cemex").

WHEREAS, Joseph and Cemex are parties to a Railroad Equipment Lease Agreement dated as of January 5, 2006 (the "Agreement") pursuant to which (a) Joseph leased to Cemex the railroad cars identified on Exhibit A hereto (the "Railcars");

WHEREAS, Joseph and Cemex memorialized the Agreement of record by filing a Memorandum of Railroad Equipment Lease Agreement dated as of January 5, 2006 between Joseph and Cemex (the "Memorandum of Lease") with the Surface Transportation Board (the "STB"); and

WHEREAS, the Memorandum of Lease was recorded with the STB on February 21, 2006 at 4:32 p.m. and assigned recordation number 26208;

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt of which is hereby acknowledged, Joseph acknowledges as follows:

1. The Memorandum of Railroad Equipment Lease Agreement is hereby terminated. Joseph hereby releases all rights, interests or claims to, and all liens and encumbrances upon, the Railcars.
2. Joseph executes this Release for purposes of memorializing of record the agreements set forth herein.

IN WITNESS WHEREOF, Joseph has caused this Release to be duly executed by its respective officer duly authorized as of the date and year first above written.

**THE DAVID J. JOSEPH COMPANY**

By: \_\_\_\_\_



Title: Assistant Corporate Secretary

State of        OHIO        )  
County of     HAMILTON    ) ss

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of May, 2007 by Everett N. Martin, the Assistant Corporate Secretary of The David J. Joseph Company, a Delaware corporation, on behalf of the said corporation..

Angela Denise Watts

Notary Public  
Hamilton County  
My Commission Has No Expiration

**ANGELA DENISE WATTS**  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Date Section 147.03 O.R.C.

## EXHIBIT A

RAILCARS: 30 railcars bearing reporting marks as follows

WRRC 680401  
WRRC 680402  
WRRC 680403  
WRRC 680404  
WRRC 680406  
WRRC 680410  
WRRC 680411  
WRRC 680414  
WRRC 680417  
WRRC 680419  
WRRC 680420  
WRRC 680422  
WRRC 680423  
WRRC 680424  
WRRC 680426  
WRRC 680428  
WRRC 680431  
WRRC 680435  
WRRC 680437  
WRRC 680438  
WRRC 680441  
WRRC 680445  
WRRC 680446  
WRRC 680448  
WRRC 680449  
WRRC 680453  
WRRC 680459  
WRRC 680461  
WRRC 680465  
WRRC 680469